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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/658,172	09/08/2003	Satyanarayan R. Panpaliya	CM05887J	3335

22917 7590 02/06/2007
MOTOROLA, INC.
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IL01/3RD
SCHAUMBURG, IL 60196

EXAMINER

DEAN, RAYMOND S

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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02/06/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/658,172

Applicant(s)

PANPALIYA ET AL.

Examiner

Raymond S. Dean

Art Unit

2618

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 January 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-20.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.



Raymond S. Dean
January 31, 2007
571-272-7877

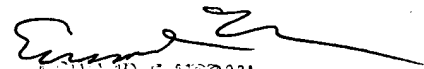
Continuation of 11. does NOT place the application in condition for allowance because:

Examiner respectfully disagrees with Applicants' assertion on Page 7, 1st Paragraph "As such Applicants assert that Carmon ...". Carmon, as detailed in the Office Action dated October 6, 2006, teaches a TDMA system which means that a channel will be logically divided into several time slots wherein said time slots are allocated to the mobile stations, this division enables a channel to be shared by a plurality of mobile stations, the time slots enable each mobile station to use the same channel for a finite period of time, which is a temporal characteristic. Therefore, when applying the broadest reasonable interpretation, Carmon reads on the limitation in question.

Chen teaches a dispatch system in which there is estimating a signal quality for the signal received on the forward channel (Section 0065), if the signal quality is below a threshold, transmitting a power control message on at least a portion of a reverse channel, wherein the power control message requests an increase in transmit power for subsequently received signals (Sections: 0016 - 0018, 0065). Chen further teaches continually transmitting the power control message until a signal quality of a subsequently received signal on the forward channel exceeds a second threshold (Section 0067). Therefore, when applying the broadest reasonable interpretation, Chen reads on the limitations in question. Chen also teaches transmitting the feedback quality metric, which is the power control message on a Dedicated Control Channel (R-DCCH) (See Section 0070) along with signaling for the control of regular calls, which comprises control symbols and synchronization symbols. The reporting of the forward link pilots is just one of many signals that are transmitted on the R-DCCH. Chen thus further teaches the limitations of Claims 4 - 6.

Regarding Claims 11 - 17

Chen teaches a non-presence of a predetermined number of power control messages is observed on the reverse channel within a window of time (Section 0067). When the quality metric is above the threshold there will be a non-presence of power control messages. Komatsu teaches decreasing the transmit power level (Column 6 lines 24 - 27). Modifying Chen with Komatsu yields a system in which the power is decreased to maintain a particular CIR while maintaining a quality metric, such as a frame error rate, above the threshold. The combination of Chen and Komatsu teaches the limitation in question.


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